

**TITLE 326 AIR POLLUTION CONTROL BOARD****Final Rule**

LSA Document #10-342(F)

**DIGEST**

Amends [326 IAC 1-4-16](#), [326 IAC 1-4-46](#), and [326 IAC 1-4-65](#) concerning the redesignation of Lake and Porter counties and Lawrenceburg Township, Dearborn County to attainment for 8-hour ozone. Effective 30 days after filing with the Publisher.

**HISTORY**

Findings and Determination of the Commissioner Pursuant to [IC 13-14-9-8](#) and Draft Rule: June 2, 2010, Indiana Register (DIN: [20100602-IR-326100342FDA](#)).

Notice of Public Hearing: June 2, 2010, Indiana Register (DIN: [20100602-IR-326100342PHA](#)).

Date of First Hearing: September 1, 2010.

[326 IAC 1-4-16](#); [326 IAC 1-4-46](#); [326 IAC 1-4-65](#)

SECTION 1. [326 IAC 1-4-16](#) IS AMENDED TO READ AS FOLLOWS:

**[326 IAC 1-4-16](#) Dearborn County**

**Authority:** [IC 13-14-8](#); [IC 13-17](#)

**Affected:** [IC 13-15](#)

Sec. 16. The following attainment status designations are applicable to Dearborn County:

Pollutant	Designation
SO <sub>2</sub>	Cannot be classified.
CO	Unclassifiable or attainment effective November 15, 1990.
O <sub>3</sub>	<del>Nonattainment Subpart 1 effective June 15, 2004, for the 8-hour ozone standard for the Cincinnati-Hamilton OH-KY-IN area, including Lawrenceburg Township of Dearborn County. The remainder of Dearborn County is unclassifiable or Attainment effective June 15, 2004,</del> <b>May 11, 2010</b> , for the 8-hour ozone standard. <sup>1</sup>
PM <sub>10</sub>	Unclassifiable effective November 15, 1990.
NO <sub>2</sub>	Cannot be classified or better than national standards.
Pb	Not designated.
<sup>1</sup> Unclassifiable or attainment effective October 18, 2000, for the 1-hour ozone standard which was revoked effective June 15, 2005.	

(Air Pollution Control Board; [326 IAC 1-4-16](#); filed Dec 26, 2007, 1:43 p.m.: [20080123-IR-326070308FRA](#); filed Oct 15, 2010, 1:51 p.m.: [20101110-IR-326100342FRA](#))

SECTION 2. [326 IAC 1-4-46](#) IS AMENDED TO READ AS FOLLOWS:

**[326 IAC 1-4-46](#) Lake County**

**Authority:** [IC 13-14-8](#); [IC 13-17](#)

**Affected:** [IC 13-15](#)

Sec. 46. The following attainment status designations are applicable to Lake County:

Pollutant	Designation
-----------	-------------

SO <sub>2</sub>	Better than national standards.
CO	Attainment effective February 18, 2000, for the part of the city of East Chicago bounded by Columbus Drive on the north; the Indiana Harbor Canal on the west; 148 <sup>th</sup> Street, if extended, on the south; and Euclid Avenue on the east. Unclassifiable or attainment effective November 15, 1990, for the remainder of East Chicago and Lake County.
O <sub>3</sub>	<del>Nonattainment Subpart 2 Moderate</del> <b>Attainment</b> effective <del>June 15, 2004</del> , <b>May 11, 2010</b> , for the 8-hour ozone standard. <sup>1</sup>
PM <sub>10</sub>	Attainment effective March 11, 2003, for the cities of East Chicago, Hammond, Whiting, and Gary. Unclassifiable effective November 15, 1990, for the remainder of Lake County.
NO <sub>2</sub>	Cannot be classified or better than national standards.
Pb	Not designated.
<sup>1</sup> Nonattainment Severe 17 effective November 15, 1990, for the Chicago-Gary-Lake County area for the 1-hour ozone standard which was revoked effective June 15, 2005.	

(Air Pollution Control Board; [326 IAC 1-4-46](#); filed Dec 26, 2007, 1:43 p.m.: [20080123-IR-326070308FRA](#); filed Oct 15, 2010, 1:51 p.m.: [20101110-IR-326100342FRA](#))

SECTION 3. [326 IAC 1-4-65](#) IS AMENDED TO READ AS FOLLOWS:

**[326 IAC 1-4-65](#) Porter County**

**Authority:** [IC 13-14-8](#); [IC 13-17](#)

**Affected:** [IC 13-15](#)

Sec. 65. The following attainment status designations are applicable to Porter County:

Pollutant	Designation
SO <sub>2</sub>	Cannot be classified for the area bounded on the north by Lake Michigan; on the west by the Lake County and Porter County line; on the south by I-80 and I-90; and on the east by the LaPorte County and Porter County line. The remainder of Porter County is better than national standards.
CO	Unclassifiable or attainment effective November 15, 1990.
O <sub>3</sub>	<del>Nonattainment Subpart 2 Moderate</del> <b>Attainment</b> effective <del>June 15, 2004</del> , <b>May 11, 2010</b> , for the 8-hour ozone standard. <sup>1</sup>
PM <sub>10</sub>	Unclassifiable effective November 15, 1990.
NO <sub>2</sub>	Cannot be classified or better than national standards.
Pb	Not designated.
<sup>1</sup> Nonattainment Severe 17 effective November 15, 1990, for the Chicago-Gary-Lake County area, including Porter County, for the 1-hour standard which was revoked effective June 15, 2005.	

(Air Pollution Control Board; [326 IAC 1-4-65](#); filed Dec 26, 2007, 1:43 p.m.: [20080123-IR-326070308FRA](#); filed Oct 15, 2010, 1:51 p.m.: [20101110-IR-326100342FRA](#))

LSA Document #10-342(F)

Findings and Determination of the Commissioner Pursuant to [IC 13-14-9-8](#): [20100602-IR-326100342FDA](#)

Hearing Held: September 1, 2010

Approved by Attorney General: October 7, 2010

Approved by Governor: October 13, 2010

Filed with Publisher: October 15, 2010, 1:51 p.m.

*Documents Incorporated by Reference: None Received by Publisher*

*Small Business Regulatory Coordinator: Alison Beumer, IDEM Compliance and Technical Assistance Program - OPPTA , MC 60-04 IGCS W041, 100 North Senate Avenue, Indianapolis, IN 46204-2251, (317) 232-8172 or (800) 988-7901, [ctap@idem.in.gov](mailto:ctap@idem.in.gov)*

*Small Business Assistance Program Ombudsman: Brad Baughn, IDEM Small Business Assistance Program Ombudsman, MC 50-01 IGCN 1307, 100 North Senate Avenue, Indianapolis, IN 46204-2251, (317) 234-3386, [bbaughn@idem.in.gov](mailto:bbaughn@idem.in.gov)*

*Posted: 11/10/2010 by Legislative Services Agency*

An [html](#) version of this document.